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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,258

03/13/2002

Siani Lynne Pearson

B-4528PCT 619575-6

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12/01/2006

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FORT COLLINS, CO 80527-2400

EXAMINER

HENEGHAN, MATTHEW E

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/088,258		PEARSON ET AL.	
	Examiner		Art Unit	
	Matthew Heneghan		2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,6-10,15-17 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,6-10,15-17 and 19-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

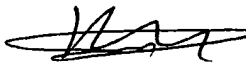
Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/19/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In response to the previous office action, Applicant has amended claims 25, 26, 28, and 29. Claims 3, 5-10, and 15-17, and 19-29 have been examined.

Response to Amendment

2. The amendment to the specification submitted on 13 September 2006 contains a proposed change to p. 29, lines 1-7 of the specification (see Specification, filed 13 September 2006, p.3). This change, however, appears to be based upon the wrong portion of Applicant's specification, specifically the text that beings at p. 30, line 10. It appears that this portion was intended to have been entered with the next part of the amendment. Though it is being presumed that this part of the amendment is to be entered beginning at p. 30, line 10, it is requested that Applicant re-submit the amendment to the specification for the sake of clarity.

Appropriate correction is required.

Information Disclosure Statement

3. The following Information Disclosure Statements in the instant application have been fully considered:

IDS filed 19 June 2006.

Drawings

4. The drawings were received on 13 September 2006. These drawings are not acceptable.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: figure 10, item 1002.
6. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

7. The previous claim objections are withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 8 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,825,879 to Davis.

As per claim 25, Davis discloses a client platform having a display and a communications means that is secure by dint its receiving encrypted data (see column 3, lines 54-61) and an image processing module, the secure video content processor, that stores received images in a frame buffer (memory) and may sends its output directly to (i.e. controls) a display device (see column 3, line 62 to column 4, line 17; column 4, lines 49-55; and column 5, lines 47-59). The SVCP is tamper-proofed, protected physically and logically from modification (see column 4, lines 32-48). The signal may be received from an on-line service provider, which inherently employs a server (see column 3, lines 20-26), encrypted with a key for a specific authorized purpose (see column 3, lines 28-43).

Art Unit: 2134

Regarding claim 8, by authenticating the received data, Davis' client in effect verifies the trusted status of another platform, the server.

9. Claims 26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by WIPO Patent Publication No. 98/44402 to Bramhill et al.

As per claim 26,29, Bramhill discloses a server that securely send data to an authenticated client. This inherently requires the server to have a memory from which an image of the program having this functionality can be executed. The authentication of the token may involve the use of a token sent to the client to verify that the client has permission and has not been tampered, ensuring that the client restricts use of the data (such as image data, which is displayed at a client) before it is sent (see p. 11, lines 4-17; p. 14, lines 27-29; p. 16, line 20 to p. 17, line 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2134

10. Claims 3, 6, 9, 15-17, 19-22, 25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO Patent Publication No. 98/44402 to Bramhill et al. as applied to claim 26 above and further in view of U.S. Patent No. 5,825,879 to Davis.

Regarding claims 25, 28, and 29, Bramhill does not disclose the physical protection of the client from unauthorized modification.

Davis discloses a tamper-proof client, as disclosed above, that receives image data into a frame buffer and displayed. Davis further suggests that by protecting the data over the entire processing flow, an unauthorized copier will find it more difficult to capture the unencrypted digital representation (see column 2, lines 61-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Bramhill by using Davis' tamper-proofing at the client, to make it more difficult to capture the unencrypted digital representation.

Regarding claim 3, Bramhill discloses the monitoring of integrity of the client and data flows by comparing current values to initial characteristics (see p. 17, lines 1-20). The integrity of the image may be verified by using a hash (see p. 14, lines 14-19).

Regarding claim 6, 15, and 19, Bramhill discloses that the client (user) initiates data requests (see p. 9, lines 15-29). Though Bramhill does not specifically recite a secure user interface, Davis' modification, which dictates that the transaction must be secure on an end-to-end basis, necessitates a secure user interface to the server from the client as well.

Art Unit: 2134

As per claim 9, 17, and 22, Bramhill also discloses the use of a smart card for authentication of the client by the server during a session, which inherently requires a smart card reader (see p. 18, lines 20-25).

Regarding claim 16, different parts of the transaction are being respectively performed at the client and server.

Regarding claim 20, the steps of requesting and receiving transmissions may go on indefinitely.

Regarding claim 21, Bramhill does not disclose the maintaining of usage logs.

Davis discloses the use of metering (usage logs) in such transactions, in order to maintain billing records for transmission to a transaction clearing house (see column 1, lines 60-63).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the invention of Bramhill by using metering, as per Davis, in order to maintain billing records for transmission to a transaction clearing house.

11. Claims 10, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO Patent Publication No. 98/44402 to Bramhill et al. in view of U.S. Patent No. 5,825,879 to Davis as applied to claims 25 and 29 above, and further in view of U.S. Patent No. 5,990,927 to Hendricks et al.

Bramhill and Davis do not disclose the insertion of server-provided into data streams.

Hendricks discloses the integration of advertisements (i.e. not requested by the client) into the program signal (see column 9, lines 16-23), and suggests that because of this, local headends (servers) are not constrained to show only programs transmitted from the operations center (see column 7, lines 61-67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Bramhill and Davis by allowing for the insertion of advertisements into data streams, as disclosed by Hendricks, so that local headends are not constrained to show only programs transmitted from the operations center.

12. Claims 7 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO Patent Publication No. 98/44402 to Bramhill et al. in view of U.S. Patent No. 5,825,879 to Davis as applied to claims 25 and 26 above, and further in view of U.S. Patent No. 6,219,788 to Flavin et al.

Bramhill and Davis do not disclose the authentication of a protected server-trusted component by a client.

Flavin discloses a computer watchdog system wherein tamper protection may be incorporated at either the server or client in a content distribution system, monitoring other systems, in order to ensure just execution of agreements between a producer and distributor of the content (see abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Bramhill and Davis by using

Flavin's watchdog system, in order to ensure just execution of agreements between a producer and distributor of the content.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

Art Unit: 2134

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached at (571) 272-3799.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-3800

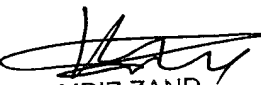
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH



November 27, 2006



KAMBIZ ZAND
PRIMARY EXAMINER